

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">27-12-11</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">4</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
<p>Authority/References</p> <p>KRS 346.180, 431.200, 439.315, 439.348, 439.480 (5&6), 439.563, 533.020, 533.030 534.040 P&P ACA Standard 3-3043, 3-3142, 3-3143</p>	<p>Subject</p> <p style="text-align: center;">GUIDELINES FOR MONITORING FINANCIAL OBLIGATIONS</p>	

I. DEFINITIONS

As used in this document, the following definitions apply:

“Payment schedule” means all payments established over a set period of time to achieve total payment of a pending financial obligation.

“Releasing authority” means the court, if the offender is placed on probation or pretrial diversion, or the parole board if the offender is placed on parole.

“Restitution” means any payment ordered by the court or parole board for loss, damage, or injury caused to a victim by the offender.

II. POLICY and PROCEDURES

The Probation and Parole officer (officer) shall monitor and keep a record of all payments including any fine or court cost ordered by the releasing authority.

A. Notification of Monetary Conditions Ordered by Releasing Authority

The offender’s financial status and ability to pay shall be assessed and included in the Presentence Investigation. When the officer is notified of monetary conditions ordered as a stipulation of releasing conditions, the officer shall advise the offender of the general and special conditions and include these in the regular conditions of supervision. The offender shall receive a copy of the conditions of supervision. CPP 27-12-04 sets forth the procedural steps for the conditions of supervision and distribution. The payment schedule shall be explained to the offender as ordered by the releasing authority.

B. Monitoring Payments Ordered by the Releasing Authority

Payments shall be made as ordered by the releasing authority. The officer shall monitor the payments by:

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1. Keeping a record of all payments made toward supervision or restitution fees. Fees shall be entered into the case management system.
2. Maintaining a copy of the receipt unless the court provides other means of verification.
3. Recording all financial payments made by the offender into the chronological narrative of the offender's case management system within three (3) working days of receipt.

C. Offender's Responsibility

The offender shall provide to the Probation and Parole officer a receipt of payments made at the clerk's office as ordered by the releasing authority for restitution or supervision fees.

The officer shall not accept cash or check payments from the offender for drug testing fees, restitution to a victim, or restitution to the Crime Victim Compensation Board. All payments shall be made in the form of a money order and shall be made payable to the appropriate recipient. The offender shall make money orders for drug testing fees payable to the Kentucky State Treasurer. (3-3043) The officer shall give all money orders for drug testing fees to the District Supervisor or designee.

D. Modifications

Only the releasing authority has authority to make any adjustment in the original order. The officer may make recommendations for modification of monitoring conditions by following procedures outlined in CPP 27-12-04. A request for a waiver or an adjustment may be utilized in requesting a modification (3-3143).

E. Violations

The officer shall advise the releasing authority regarding non-payment of any financial conditions of supervision through an approved supervision reporting document. Notification is required when the offender is more than three (3) months in arrears on ordered financial obligations.

1. In a probation case, the document shall be forwarded to the sentencing judge; if required, a copy shall be sent to the District Supervisor, and a copy maintained in the case folder.
2. In a parole case, the document shall be forwarded to Central Office through the District Supervisor, and a copy maintained in the case folder.

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3. When the response to the violation of the condition is received from the releasing authority, the officer shall proceed accordingly. If a revocation proceeding is necessary by the releasing authority, the officer shall follow the procedures outlined in CPP 27-19-01.

F. Transfers

The transfer of an offender to another jurisdiction shall not relieve the offender's obligation for payment of any financial obligation ordered by the releasing authority. The officer in the jurisdiction of transfer shall be made aware of the financial conditions of release at the time of transfer. Payment shall continue to be made as outlined previously in this policy.

G. Restitution

Money orders for restitution ordered to be paid directly to the victim shall be made payable to the victim and given by the offender to the Probation and Parole officer to document payment and send to the victim. Money orders for restitution ordered to be paid to the Kentucky Victims Compensation Board shall be made payable to the Kentucky Victims Compensation Fund. The money order shall be given by the offender to the Probation and Parole officer for documentation of payment and the officer shall send it to the Kentucky Victims Compensation Board.

An offender shall not be released from parole supervision until all restitution ordered by the parole board is paid in full. Upon verification that restitution is satisfied, the officer shall proceed pursuant to CPP 27-24-01.

H. Distribution of Drug Testing Fees

Money orders for drug testing fees shall be made payable to the Kentucky State Treasurer. After properly documenting payment, the Probation and Parole Officer shall submit the money order to the District Supervisor or designee. Upon receipt by the District Supervisor or designee all money orders shall be secured in a locked container. On the 15th and 30th of each month, or Friday preceding those dates should they fall on a weekend, the District Supervisor or designee shall forward to the Assistant Director of Probation and Parole or designee via United States Postal Service all money orders received. A transmittal ledger listing each money order, the amount of each money order, and the total sum of the money orders shall be sent with the money orders.

Upon receipt of money orders, the Assistant Director of Probation and Parole or designee shall reconcile the money orders received with the transmittal ledger provided by the sending district. If the money orders and transmittal ledger are in agreement, the Assistant Director of Probation and Parole or designee shall sign and date the transmittal ledger. If they are not in agreement, the sending district

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Supervisor shall be contacted for clarification. After the reconciliation, the Assistant Director of Probation and Parole or designee shall deposit these funds into the appropriate fund.

- I. The Probation and Parole officer shall (3-3142):
 1. Encourage the offender to be responsible in handling all financial obligations and the importance of establishing a good credit standing,
 2. Notify the offender when a creditor has contacted the Probation and Parole office, and inform the offender that the creditor has an option of pursuing legal action if the financial obligation is not met,
 3. Assist or refer the offender for financial counseling, and
 4. Prepare an approved supervision reporting document to advise the releasing authority of potential problems or new charges, if the offender fails to meet the outstanding financial obligation reported (Example: a returned personal check).
- J. The Division of Probation and Parole shall not collect debts that are not ordered by the releasing authority.